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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,582	DARRELL, RICHARD A.	
	Examiner	Art Unit	
	Narayanswamy Subramanian	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9,11-15,17,18,21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,11-15,17,18,21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicants' communication filed on June 23, 2006. Amendments to claims 18 and 21 and cancellation of claim 22 have been entered. Claims 1-5, 7, 9, 11-15, 17, 18, 21 and 23 are currently pending in the application and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7, 9, 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "using the product information to sort the items into categories" and "a listing of the items sorted into categories". It is not clear if these two categories are the same. Further claims 1 and 21 recite the limitation "the consumer computer that defines at least one category based on product information" and "using the product information to sort the items into categories". It is not clear as to what is the relationship between the category defined by the consumer computer and the items sorted by categories sorted using the product information. Appropriate correction/clarification is required. Claims 2-5, 7, 9 and 23 are rejected by way of dependency on a rejected independent claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 9, 11-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener et al (US Patent 6,397,194 B1) in view of Schultz et al (US Pub. No. 2001/0029470 A1).

Claims 1, 11 and 18, Houvener discloses a method and system of presenting an image of a receipt to a consumer, the method comprising: electronically capturing a receipt (See Houvener Column 1 lines 15-25); storing the receipt at a host computer system (See Houvener 1 Column lines 15-25 and Column 5 lines 37-41); receiving a request at the host computer system from a computer of the consumer to display the image of the receipt (See Houvener Column 10 lines 48-52, the user is interpreted to include the consumer); and transmitting an electronic file comprising the image of the receipt for display at the consumer computer (See Houvener Column 10 lines 58-62, the display device is interpreted to include display at the consumer computer). The host system, interface, a user computer and means for performing the steps of the method are inherent in the disclosure of Houvener.

Houvener fails to teach the steps wherein the electronic file further comprises programming that causes at least one purchase item included on the receipt to appear as a selectable link to obtain more detailed information about item; receiving information from the

consumer computer that defines at least one category based on product information; receiving a request at the host computer from the consumer computer to display a categorical listing of items purchased by the consumer, wherein the items are comprised by a plurality of receipts; for each of the plurality of receipts, consulting a database for product information relating to each item of the receipt; using the product information to sort the items into categories; and transmitting a second electronic file from the host computer system to the consumer computer, wherein the file comprises a listing of the items sorted into categories that include the at least one category based on product information for display at the consumer computer.

Schultz teaches the steps of receiving information from the consumer computer (See Schultz Paragraphs 37, 40, 58, 67, the limitation “the consumer computer that defines at least one category based on product information” is not a positive recitation of the defining step and hence is not given patentable weight); wherein the electronic file further comprises programming that causes at least one purchase item included on the receipt to appear as a selectable link to obtain more detailed information about item (See Schultz Figures 1 and 9 and Paragraphs 28, 29, 35, 52-59); receiving a request at the host computer from the consumer computer to display a categorical listing of items purchased by the consumer, wherein the items are comprised by a plurality of receipts; for each of the plurality of receipts, consulting a database for product information relating to each item of the receipt; using the product information to sort the items into categories; and transmitting a second electronic file from the host computer system to the consumer computer, wherein the file comprises a listing of the items sorted into categories that include the at least one category based on product information for display at the consumer computer (See Schultz Figures 1 and 11 and Paragraphs 28, 29, 35, 37, 40, 52-59, 62, 65-67).

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The receipt organizer service sorts the receipts by categories selected (See Paragraphs 62 and 65). The limitation “the consumer computer that defines at least one category based on product information” is not a positive recitation of the defining step. This limitation describes the consumer computer and not the step of receiving the information. The step of receiving information from the consumer computer is performed regardless of whether the consumer computer defines or does not define at least one category. The limitation is interpreted as non-functional descriptive material because it does not further limit the step of receiving information from the consumer computer. Hence the limitation “the consumer computer that defines at least one category based on product information” is not given patentable weight.

Both Houvener and Schultz are concerned with the problem of providing a user with user-friendly means for storing and retrieving receipts. It would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Houvener to include teachings of Schultz. The combination of the teaching taken as a whole suggests that users would have benefited from being able to store the transaction receipts electronically and gather information from stored receipts (See Schultz Paragraph 9).

Claims 2 and 12, Houvener teaches the step wherein the receipt comprises a credit card receipt (See Houvener Column 2 lines 16-25).

Claim 3, Houvener teaches the step wherein the receipt comprises an image of the consumer's signature (See Houvener Column 1 lines 15-25).

Claim 4, Houvener teaches the step wherein the receipt is printed on paper at a point of sale and electronically capturing comprises scanning an image of the receipt to an electronic file (See Houvener Column 2 lines 23-27 and Column 1 lines 19-25).

Claims 5 and 13, Houvener teaches the step wherein electronically capturing comprises receiving a file from a point-of-sale device, wherein the file comprises an image of the consumer's signature (See Houvener Column 3 lines 24-48).

Claim 7, Schultz teaches the steps of receiving a selection of the purchase item from the consumer; consulting a database for information about the item; and transmitting a file comprising the information to the consumer (See Schultz Figures 1 and 9 and Paragraphs 28, 29, 35, 52-59, 67).

Claim 9, Schultz teaches the step wherein the second electronic file comprises programming that causes at least one item to appear as a selectable link to more detailed information about the item (See Schultz Paragraphs 52-59 and 67).

Claim 14, Houvener teaches the step wherein the image capture device is further configured to convert image information captured from a receipt into data (See Houvener Column 1 lines 15-25 and Column 3 lines 24-35, whereby the data may appear in an electronic image of the receipt as a selectable link relating to the data (See Schultz Figures 1 and 9 and Paragraphs 28, 29, 35, 52-59).

Claim 15, Houvener teaches the step wherein the interface is configured to provide communication between the host computer system and at least one point-of-sale device (See Houvener Column 5 lines 42-45).

Claim 17, Schultz teaches the step wherein the identifier is selected from the group consisting of UPC and SKU (See Schultz Paragraph 67).

6. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al (US Pub. No. 2001/0029470 A1).

Claim 21, Schultz teaches a method of presenting receipt information to a consumer, comprising: receiving information from a consumer computer (See Schultz Paragraphs 37, 40, 58, 67, the limitation “the consumer computer that defines at least one category based on product information” is not a positive recitation of the defining step and hence is not given patentable weight); receiving a request at the host computer from a computer of the consumer to display a categorical listing of items purchased by the consumer, wherein the items are comprised by a plurality of receipts; for each of the plurality of receipts, consulting a database for information relating to each item of the receipt; using the information to sort the items into categories; and transmitting an electronic file from the host computer system to the consumer computer, the electronic file comprising a list of the items sorted into at least one category for display at the consumer computer (See Schultz Figures 1 and 11 and Paragraphs 28, 29, 35, 37, 40, 52-59, 62, 65-67). The receipt organizer service sorts the receipts by categories selected (See Paragraphs 62 and 65). Schultz does not explicitly teach the step of “the consumer computer that defines at least one category based on product information”. However the limitation “the consumer computer that defines at least one category based on product information” is not a positive recitation of the defining step. This limitation describes the consumer computer and not the step of receiving the information. The step of receiving information from the consumer computer is performed regardless of whether the consumer computer defines or does not define at least one category. The limitation is interpreted as non-functional descriptive material because it does not further limit the step of receiving information from the consumer computer. Hence the limitation “the consumer computer that defines at least one category based on product information” is not given patentable weight.

Claim 23, Schultz teaches the step wherein the electronic file comprises programming that causes at least one item to appear as a selectable link to more detailed information about the item (See Schultz Paragraphs 52-59 and 67).

Response to Arguments

7. In response to Applicant's arguments that the claim language is clear as evidenced by prior examination of the subject matter, the examiner respectfully disagrees. While the examiner admits that he overlooked the ambiguities in the claims in the prior examination, this is not a test of whether the claim language is clear to one of ordinary skill in the art. In response to Applicant's arguments "It seems that the present lack of clarity relates to the successful removal of McArdel as a prior art reference and not to the claim language", the examiner would like to point out that McArdel was used as a prior art reference only for art rejections. It has no bearing on rejections made under 35 USC 112, second paragraph. Hence the rejections made under 35 USC 112, second paragraph in the last office action are maintained by the examiner.


Applicant's other arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dr. N. Subramanian
Primary Examiner
Art Unit 3692

March 18, 2007